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Docket No. X2007.0073/P0073  
(PATENT)

FEB 25 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Masaharu ONO, et al.

Application No.: 09/745,672

Group Art Unit: 2837

Filed: October 10, 2000

Examiner: Marlon Fletcher

For: MUSIC TONE SIGNAL GENERATION  
APPARATUS ACCOMODATED FOR  
MULTIPLE USERS PLAYING MUSIC IN  
ENSEMBLE

TRANSMITTAL LETTER

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Petition to Withdraw Holding of Abandonment.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1073, under Order No. X2007.0073/P073. A duplicate copy of this paper is enclosed.

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MAR 12 2002

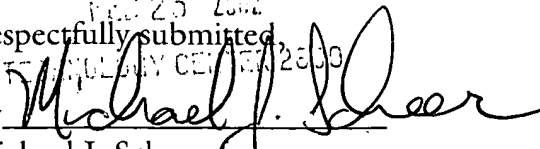
TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

Application No.: 09/685,378

Docket No.: X2007.0073/P0073

RECEIVED

Dated: February 21, 2002

FEB 25 2002  
Respectfully submitted,  
By   
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Attorneys for Applicant

PATENT

Docket No.: X2007.0073

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

FEB 25 2002

TECHNOLOGY CENTER 2800

In re Patent Application of:  
Masaharu Ono, et al.

Serial No.: 09/745,672

Filed: December 21, 2000



Group Art Unit: 2837

Examiner: M. Fletcher

For:

MUSICAL TONE SIGNAL  
GENERATION APPARATUS  
ACCOMMODATED FOR  
MULTIPLE USERS PLAYING  
MUSIC IN ENSEMBLE

Box DAC

Assistant Commissioner for Patents

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Washington, D.C. 20231

MAR 12 2002

TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

On January 30, 2002, the Applicants received a Notice of Abandonment (attached as Exhibit A), dated January 15, 2002. The Notice states that since the Examiner did not receive a response to the Office Action dated May 23, 2001, the above-referenced application was held abandoned due to Applicants' failure to timely file a proper response. Applicants respectfully request that the holding of abandonment in this case be withdrawn for the reasons set forth below.

Under 37 C.F.R. § 1.8(a), an Office Action response will be considered timely filed, whether or not the Patent Office has actually received it, if it is deposited in the mail before the response deadline along with a certificate stating the date when the response was mailed. See also MPEP § 512. In cases where the Patent Office fails to receive a response

- to an Office Action and holds an application abandoned as a result, 37 C.F.R. § 1.8(a)
- states that the Patent Office should withdraw its holding of abandonment if the applicant demonstrates that he, in fact, timely filed his response, and the applicant also:

(1) Informs the Office of the previous mailing or transmission of the [Office Action] promptly after becoming aware that the Office has no evidence of receipt of the [Office Action];

(2) Supplies an additional copy of the previously mailed or transmitted [Office Action] and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to previous timely mailing or transmission. If the [Office Action] was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

34 C.F.R. 1.8(b); see also MPEP § 512 and 711.04(c).

On November 21, 2001, I mailed to the Patent Office (via first class mail)

Applicants' response to the outstanding Office Action, along with the required Petition for a three-month extension of time under 37 C.F.R. 1.136(a) (copies of which are enclosed herewith as Exhibits B and C respectively). This filing of Applicants' response was timely as the six month statutory period under 35 U.S.C. 133 was not due to expire until November 23, 2001.<sup>1</sup>

As seen in Applicants' response, I also included a signed certificate of mailing that states that "the Applicants' response was deposited with the US Postal Service as First Class

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<sup>1</sup> Attached hereto as Exhibit D are copies of (i) check number 7438 in the amount of \$920.00 for the petition fee for the extension of time, and (ii) check number 7439 in the amount of \$192.00 for the fee for added claims.

Mail on November 21, 2001, in an envelope addressed to the Assistant Commissioner for Patents, Washington DC 20231.” In light of the above, Applicants’ response should be considered timely filed in accordance with 37 C.F.R. § 1.8(a).

Moreover, on November 30, 2001, the Examiner called my office to inform me that the Patent Office had not received Applicants’ response to the outstanding Office Action. That same day, my partner Steven I. Weisburd, Reg. No. 27,409, spoke with the Examiner and informed him that Applicants’ response had been mailed to the Patent Office on November 21<sup>st</sup>. Shortly after speaking to the Examiner, Mr. Weisburd faxed a copy of Applicants’ response to him.<sup>2</sup>

Therefore, for the reasons discussed above, it is respectfully requested that the Patent Office consider the Applicants’ response as being timely filed under 37 C.F.R. §§ 1.8 (a) and (b), and that the holding of abandonment of this application be withdrawn.

Dated: February 21, 2002

Respectfully submitted,

By

Michael J. Scheer

Registration No.: 34,425

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas  
41st Floor

New York, New York 10036-2714  
Attorneys for Applicant

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<sup>2</sup> We have attached is a copy of the fax cover sheet as Exhibit E, and the fax confirmation report as Exhibit F.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,672	12/21/2000	Masaharu Ono	P/2007-73	1960

2352 7590 01/15/2002

OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403



EXAMINER

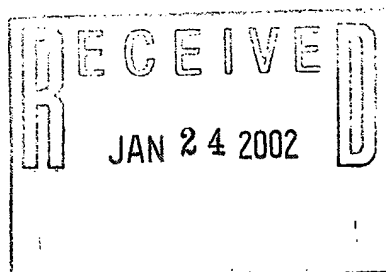
FLETCHER, MARLON T

ART UNIT PAPER NUMBER

2837

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

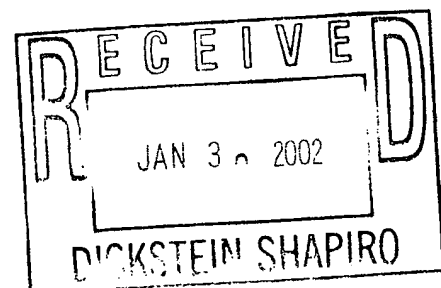


OFGS FILE No	P/2007-73
15 FEB. 2002	
PATENTS ORDERED LB	

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S

DATES DOCKETED  
P/2007-73  
DUE: 15-FEB. 2002  
C/U

61W/HJB



# Notice of Abandonment

Application No.

09/745,672

Examiner

Marlon T Fletcher

Applicant(s)

ONO ET AL.

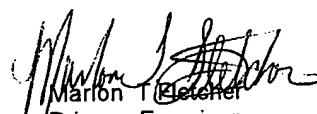
Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 May 2001.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Marlon T. Fletcher  
Primary Examiner  
Art Unit: 2837

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

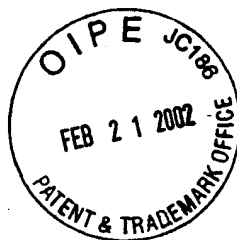
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Masaharu ONO et al

Serial No.: 09/745,672

Filed: December 20, 2000



Date: November 21, 2001

Group Art Unit: 2837

Examiner: M. FLETCHER

For: MUSICAL TONE SIGNAL GENERATION APPARATUS ACCOMMODATED FOR  
MULTIPLE USERS PLAYING MUSIC IN ENSEMBLE

Asst. Commissioner for Patents  
Washington, D.C. 20231

## AMENDMENT/SUBMISSION

This is a response to the Office Action mailed May 23, 2001 in the above-identified application. Reconsideration of the application is respectfully requested.

## FEE CALCULATION

Any additional fee required has been calculated as follows:

\_\_\_\_\_ If checked, "Small Entity" status is claimed.

	NO. CLAIMS AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		EXTRA PRESENT		RATE	ADDIT. FEE
TOTAL	29	MINUS	23	* =	6	X	(\$9 SE or \$18)	\$108.00
INDEP.	6	MINUS	5	** =	1	X	(\$42 SE or \$84)	\$ 84.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						X	(\$140 SE or \$280)	\$

\* not less than 20 \*\* not less than 3

TOTAL \$ 192.00

If any additional payment is required, a check which includes the calculated fee of  
\$192.00 (OFGS Check No. 7439) is attached.



In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

### **CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

### **AMENDMENTS**

☒ If checked, amendment(s) to the specification and/or claims are submitted herewith.

1. ☐ If checked, an abstract is submitted as the last page of Appendix A.

#### **2. Specification:**

Please delete the paragraph(s) beginning at paragraph at page 1, line 11, paragraph at page 2, line 13, paragraph at page 3, line 21, paragraph at page 7, line 2, paragraph at page 7, line 20, paragraph at page 9, line 18 and paragraph at page 12, line 8 and replace such paragraph(s) pursuant to 37 C.F.R. § 1.121(b)(ii) with the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(b)(iii) is attached hereto as Appendix B.

### 3. Claims:

Please amend claims 1, 2, 4, 5, and 9 and add new claims 24-29 pursuant to 37 C.F.R. § 1.121(c)(i) as set forth in the "clean" version attached hereto as Appendix A. Entry is respectfully requested. A version with markings to show the changes made pursuant to 37 C.F.R. § 1.121(c)(ii) is attached hereto as Appendix B.

☒ If checked, the optional complete set of "clean" claims pursuant to 37 C.F.R. § 1.121(c)(3) is attached hereto as Appendix C.

## REMARKS/ARGUMENT

Claims 1-23 are pending in the present application and have been examined. The disclosure has been objected to because of certain informalities. Claims 1, 3, 4, 6, 7, 18, 20 and 22 have been rejected under 35 U.S.C. §102(a) over Takabayashi (U.S. Patent 6,031,174). Claims 2, 5, 8-17, 19, 21 and 23 have been rejected under 35 U.S.C. §103(a) over Takabayashi in view of Gabriel (U.S. Patent 5,824,933). The specification and claims have been amended hereby. In light of the enclosed amendments and the below remarks reconsideration of the present application is respectfully requested.

In paragraph 1 of the Office Action, the disclosure has been objected to because of certain informalities. As seen in the attached amendments to the specification, the informalities noted in the Office Action, along with other informalities have been corrected hereby. These informalities relate to grammatical and/or syntactical errors and their correction does not constitute new matter. Withdrawal of the objection to the disclosure is therefore respectfully requested.

In paragraph 3 of the Office Action claims 1, 3, 4, 6, 7, 18, 20 and 22 have been rejected under §102(a) over Takabayashi. In paragraph 5 of the Office Action claims 2, 5, 8-17, 19, 21 and 23 have been rejected under §103 over Takabayashi in view of Gabriel. Applicants respectfully traverse these rejections.

The subject invention is designed to generate musical tones in accordance with user's performing operations such as beating of performance operators. In contrast to the present invention as recited in the claims, the Takabayashi reference is designed in such a manner that the user selects a certain phrase by using an operator and performs music by reading the selected phrase. The Takabayashi reference discloses a musical tone generation method in which performance data, which are stored in advance in the memory by units of phrases respectively, are selected by the user's manual operations of the game pads so that the selected performance data are read from the memory and are used for generation of musical tones. This reference provides mere selection of performance data by the user, and it is not at all related to the user's performing operations such as striking (or beating) of performance operators. Therefore, the reference is quite different from the musical tone signal generation apparatus of the subject

invention that generates musical tones in accordance with the user's performing operations of the performance operators.

The Gabriel reference discloses an apparatus in which the user operates a joystick or keyboard to select a pre-recorded sound track so that music is performed using the selected sound track to be synchronized with the main sound track. This reference provides "mere" selection of the sound track by the user and it is not at all related to the user's performing operations such as beating of performances operators. Therefore, the reference is quite different from the musical tone signal generation apparatus of the subject invention that generates musical tones in accordance with the user's performing operations of the performance operators.

As recited in claims 1, and 2, the musical tone signal generator is controlled in response to the tone-generation instructions output by the performance operator. The tone-generation instructions are further described as "defining tone color data assigned to the at least one performance operator." The assignment of tone color data to a performance operator as recited in the claims of the present application is neither taught nor suggested by the prior art. In the rejection of claim 4, the Office Action cites Takabayashi at column 3 lines 15-16 and column 5, lines 30-34 as teaching tone color data. Applicants respectfully disagree. At these portion of Takabayashi, teaches the storage of the musical phrases as described above. The musical phrases of Takabayashi are not the tone color data as recited in the claims of the present invention. Gabriel does not cure any of these deficiencies in the Takabayashi reference as described above. As Takabayashi and Gabriel, either alone or in combination, do not teach the tone color data as recited in independent claims 1 and 2, withdrawal of the rejection of claims 1-3, 15, 17-19 is respectfully requested.

Claims 4, 5 and 8 each require "a tone color assignor for assigning tone colors, designated by the tone color data of the plurality of parts, respectively to the plurality of performance operators." As described above, Takabayashi at column 3 lines 15-16 and column 5, lines 30-34 does teach or suggest tone color data, let alone the a tone color assignor as recited in independent claims 4, 5 and 8. No where in Takabayashi does it describe any specific assignment to its operators, let alone the assignment of tone color data. Gabriel does not cure any of these deficiencies in the Takabayashi reference as described above. As Takabayashi and

Gabriel, either alone or in combination, do not teach the tone color assignor as recited in independent claims 4, 5 and 8, withdrawal of the rejection of claims 4-12, 16, and 20-23 is respectfully requested.

New claims 24-29 have been added to more fully claim the present invention, specifically, the structure (circular periphery) of the main body unit. These amendments do not add new matter to the present invention as support for these claims can be found in Figures 1 and 2 of the present specification. This circular periphery as recited in independent claim 24 is neither taught nor suggested by any of the prior art.

Applicant has shown that Takabayashi and Gabriel, either alone or in combination, do not teach or suggest the tone color data as recited in independent claims 1 and 2, nor the tone color assignor as recited in independent claims 4, 5 and 8. As each of the claims of the present invention are presently in condition for allowance, such action is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on November 21, 2001:

Michael J. Scheer

Name of applicant, assignee or  
Registered Representative

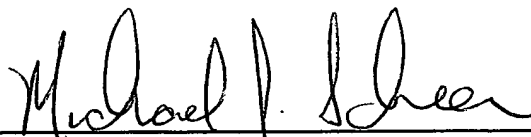


Signature

November 21, 2001

Date of Signature

Respectfully submitted,



Michael J. Scheer

Registration No.: 34,425

OSTROLENK, FABER, GERB & SOFFEN, LLP

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MJS:mtb

**APPENDIX A**  
**"CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM**  
**37 C.F.R. § 1.121(b)(ii) AND (c)(i)**

**SPECIFICATION**

**Paragraph at page 1, line 11:**

Conventionally, engineers propose and design various types of musical tone signal generation apparatuses which are easy to be played by plenty of users to participate in musical performance so that users who are inexperienced in performance of musical instruments can enjoy playing music. Those musical tone signal generation apparatuses are designed to be easily played by users and easily installed in prescribed places.

**Paragraph at page 2, line 13:**

Because the aforementioned electronic percussion instruments are constructed and shaped in table forms, it is easy for users to facilitate them in appropriate places. However, the table forms may cause limits in facilitation of places and manners of musical performance. Hence, the conventional table-type electronic percussion instruments are disadvantageous because of a low degree of freedom in musical performance. In order to accommodate for plenty of users being simultaneously seated, the table-type electronic percussion instruments should be designed to have a relatively large size of tables, which have difficulties in transportation. It is troublesome for users to carry the table-type electronic percussion instrument out of a room or building. So, the users are required to be seated around the table-type electronic percussion instrument that is transported and fixed in the room.

**Paragraph at page 3, line 21:**

In the case of automatic performance, musical tone signals are automatically generated based on the performance data, so that the speakers of the main unit produce corresponding musical tones. In case of manual performance, musical tone signals are generated in response to tone-generation instructions being issued from the performance operator manually operated by

the user, so that the speaker produces corresponding musical tones with respect to its tone color. Herein, it is possible to produce accompaniment sounds together with the musical tones of the manual performance.

**Paragraph at page 7, line 2:**

FIG. 3 is an enlarged view showing arrangement of switches and indicators on the control panel 120. The control panel 120 is mainly used for controls of automatic performance. Namely, the control panel 120 includes a play switch 121, a stop switch 12, a fast forward switch 123, a rewind (or reverse) switch 124, a power switch 125 and an eject switch 126. In addition, the control panel 120 also includes tone volume switches 127a, 127b and a tone volume indicator 127c, tempo switches 128a, 128b and a tempo indicator 128c, modulation switches 129a, 129b and a modulation indicator 129c.

**Paragraph at page 7, line 20:**

The tone volume switches 127a, 127b are used to designate a tone volume (VOLUME) of the automatic performance being played. Herein, the tone volume switch 127a designates decrease of the tone volume, while the tone volume switch 127b designates increase of the tone volume. The tone volume indicator 127c includes a prescribed number of LEDs for indication of the tone volume presently designated. Herein, the tone volume indicator 127c is configured by a prescribed number of blocks corresponding to the LEDs, one of which is selectively lighted. Every time the tone volume switch 127a is pressed, light (see highlighted "black" block) of the tone volume indicator 127c moves downwardly in view of the user who is seated at a main unit 100 to watch the control panel 120 as shown in FIG. 3. Every time the tone volume switch 127b is pressed, light of the tone volume indicator 127c moves upwardly in view of the user.

**Paragraph at page 9, line 18:**

The present embodiment includes two types of the operators, namely, the operator 200-0 specifically including a sub panel 210 as shown in FIG. 4 and other operators 200-1 to 200-4 each merely include two pads 201 as shown in FIG. 5. The sub panel 210 includes a play switch

211, a stop switch 212, a fast forward switch 213 and a rewind (or reverse) switch 214. Those switches 211, 212, 213 and 214 of the sub panel 210 respectively have same functions of the aforementioned switches 121, 122, 123 and 124 of the control panel 120.

**Paragraph at page 12, line 8:**

The present embodiment is described such that the performance data correspond to MIDI data, which describe data representing tone pitches and velocities as well as time information in accordance with a prescribed MIDI format (where "MIDI" represents the standard for "Musical Instrument Digital Interface").

**CLAIMS (with indication of amended or new):**

1. (Amended) A musical tone signal generation apparatus including at least one performance operator which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by a user, said musical tone signal generation apparatus comprising:

a musical tone signal generator for generating musical tone signals; a storage for storing performance data;

an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage; and

a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the at least one performance operator being manually operated by the user, the tone-generation instructions defining tone color data assigned to the at least one performance operator.

2. (Amended) A musical tone signal generation apparatus including at least one performance operator which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by a user, said musical tone signal generation apparatus comprising:



a musical tone signal generator for generating musical tone signals;  
a storage for storing performance data;  
an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage;  
a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operator being manually operated by the user, the tone-generation instructions defining tone color data assigned to the at least one performance operator, and  
first and second manual operable members, each of which is manually operated by the user to control the musical tone signal generator in accordance with a prescribed function,  
wherein the first manual operable member is provided for the main unit while the second manual operable member is provided for the performance operator.

4. (Amended) A musical tone signal generation apparatus including a plurality of performance operators each of which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by users, said musical tone signal generation apparatus comprising:

a musical tone signal generator for generating musical tone signals;  
a storage which is provided for a musical tune constructed by a plurality of parts, so that the storage stores performance data with regard to at least a prescribed part within the plurality of parts and tone color data with regard to all of the plurality of parts;  
a tone color assignor for assigning tone colors, designated by the tone color data of the plurality of parts, respectively to the plurality of performance operators;  
an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage; and  
a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operators being manually operated by the users.

5. (Amended) A musical tone signal generation apparatus including a plurality of performance operators each of which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by users, said musical tone signal generation apparatus comprising:

a musical tone signal generator for generating musical tone signals;

a storage which is provided for a musical tune constructed by a plurality of parts, so that the storage stores performance data with regard to at least a prescribed part within the plurality of parts and tone color data with regard to all of the plurality of parts;

a tone color assignor for assigning tone colors, designated by the tone color data of the plurality of parts, respectively to the plurality of performance operators;

an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage;

a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operators being manually operated by the users; and

first and second manual operable members, each of which is manually operated by the user to control the musical tone signal generator in accordance with a prescribed function,

wherein the first manual operable member is provided for the main unit while the second manual operable member is provided for one of the plurality of performance operators.

9. (Amended) A musical tone signal generation apparatus according to claim 8 wherein each of the plurality of performance operators includes at least a pad whose surface is to be struck by each user to issue a tone-generation instruction.

24. (New) A musical tone signal generation apparatus comprising:

a main unit that has a circular periphery;

at least one performance operator that is separated from the main unit;

a plurality of speakers arranged on the main unit;

a sensor installed in the performance operator, wherein the sensor detects an impact applied to the performance operator so as to convert it to an electric signal; and

a musical tone signal generator for generating a musical tone signal based on the electric signal output from the sensor, so that the speaker generates a musical tone based on the musical tone signal.

25. (New) The musical tone signal generation apparatus according to claim 24, wherein the main unit has a conical shape.

26. (New) The musical tone signal generation apparatus according to claim 24, wherein the plurality of speakers are arranged on the main unit in a radial pattern.

27. (New) The musical tone signal generation apparatus according to claim 24, which is designed as a portable percussion instrument.

28. (New) The musical tone signal generation apparatus according to claim 24, further comprising:

a storage for storing performance data, and

an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage.

29. (New) The musical tone signal generation apparatus according to claim 24, wherein the performance operator provides at least one pad that is to be struck by a user and that has a sensor thereunder.

**APPENDIX B**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**  
**37 C.F.R. § 1.121(b)(iii) AND (c)(ii)**

**SPECIFICATION**

**Paragraph at page 1, line 11:**

Conventionally, engineers propose and design various types of musical tone signal generation apparatuses which are easy to be played by plenty of users to participate in musical performance so that [inexperienced] users who are inexperienced in performance of musical instruments can enjoy playing music. Those musical tone signal generation apparatuses are designed to be easily played by users and easily installed in prescribed places.

**Paragraph at page 2, line 13:**

Because the aforementioned electronic percussion instruments are constructed and shaped in table forms, it is easy for users to facilitate them in appropriate places. However, the table forms may cause limits in facilitation of places and manners of musical performance. Hence, the conventional table-type electronic percussion instruments are disadvantageous because of a low degree of freedom in musical performance. In order to accommodate for plenty of users being simultaneously seated, the table-type electronic percussion instruments should be designed to have a relatively large size of tables, which have difficulties in transportation. [Because, it] It is troublesome for users to carry the table-type electronic percussion instrument [having a large-size table, which is accommodated for plenty of users being seated, out of a room or building. So, the users are required to be seated around the table-type electronic percussion instrument that is transported and fixed in the room.

**Paragraph at page 3, line 21:**

In the case of automatic performance, musical tone signals are automatically generated based on the performance data, so that the speakers of the main unit produce corresponding musical tones. In case of manual performance, musical tone signals are generated in response to

tone-generation instructions being issued from the performance operator manually operated by the user, so that the speaker produces corresponding musical tones with respect to its tone color. Herein, it is possible to produce accompaniment sounds together with the musical tones of the manual performance.

**Paragraph at page 7, line 2:**

FIG. 3 is an enlarged view showing arrangement of switches and indicators on the control panel 120. The control panel 120 is mainly used for controls of automatic performance. Namely, the control panel 120 [installs] includes a play switch 121, a stop switch 12, a fast forward switch 123, a rewind (or reverse) switch 124, a power switch 125 and an eject switch 126. In addition, the control panel 120 also [installs] includes tone volume switches 127a, 127b and a tone volume indicator 127c, tempo switches 128a, 128b and a tempo indicator 128c, modulation switches 129a, 129b and a modulation indicator 129c.

**Paragraph at page 7, line 20:**

The tone volume switches 127a, 127b are used to designate a tone volume (VOLUME) of the automatic performance being played. Herein, the tone volume switch 127a designates decrease of the tone volume, while the tone volume switch 127b designates increase of the tone volume. The tone volume indicator 127c [installs] includes a prescribed number of LEDs for indication of the tone volume presently designated. Herein, the tone volume indicator 127c is configured by a prescribed number of blocks corresponding to the LEDs, one of which is selectively lighted. Every time the tone volume switch 127a is pressed, light (see highlighted "black" block) of the tone volume indicator 127c moves downwardly in view of the user who is seated at a main unit 100 to watch the control panel 120 as shown in FIG. 3. Every time the tone volume switch 127b is pressed, light of the tone volume indicator 127c moves upwardly in view of the user.

**Paragraph at page 9, line 18:**

The present embodiment [installs] includes two types of the operators, namely, the operator 200-0 specifically [installing] including a sub panel 210 as shown in FIG. 4 and other operators 200-1 to 200-4 each merely [installing] include two pads 201 as shown in FIG. 5. The sub panel 210 [installs] includes a play switch 211, a stop switch 212, a fast forward switch 213 and a rewind (or reverse) switch 214. Those switches 211, 212, 213 and 214 of the sub panel 210 respectively have same functions of the aforementioned switches 121, 122, 123 and 124 of the control panel 120.

**Paragraph at page 12, line 8:**

The present embodiment [describes] is described such that the performance data correspond to MIDI data, which describe data representing tone pitches and velocities as well as time information in accordance with a prescribed MIDI format (where "MIDI" represents the standard for "Musical Instrument Digital Interface").

**CLAIMS:**

1. (Amended) A musical tone signal generation apparatus [installing] including at least one performance operator which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by a user, said musical tone signal generation apparatus comprising:
- Fig. 1*  
*7:11-18*  
*(P6-P4)*  
a musical tone signal generator for generating musical tone signals; a storage for storing performance data; *Col 8:52-57*  
*(17)*  
*(12)*  
an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage; and  
*21:20-66*  
a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the at least one performance operator being manually operated by the user, the tone-generation instructions defining tone color data assigned to the at least one performance operator.

2. (Amended) A musical tone signal generation apparatus [installing] including at least one performance operator which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by a user, said musical tone signal generation apparatus comprising:

- ✓ a musical tone signal generator for generating musical tone signals;
- ✓ a storage for storing performance data;
- ✓ an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage;
- ✓ a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operator being manually operated by the user, the tone-generation instructions defining tone color data assigned to the at least one performance operator, and

first and second manual operable members, each of which is manually operated by the user to control the musical tone signal generator in accordance with a prescribed function,

wherein the first manual operable member is provided for the main unit while the second manual operable member is provided for the performance operator.

4. (Amended) A musical tone signal generation apparatus [installing] including a plurality of performance operators each of which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by users, said musical tone signal generation apparatus comprising:

- ✓ a musical tone signal generator for generating musical tone signals;
- ✓ a storage which is provided for a musical tune constructed by a plurality of parts, so that the storage stores performance data with regard to at least a prescribed part within the plurality of parts and tone color data with regard to all of the plurality of parts;
- ✓ a tone color assignor for assigning tone colors, designated by the tone color data of the plurality of parts, respectively to the plurality of performance operators; 7:19-24, 8:37-45
- ✓ an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage; and

✓ a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operators being manually operated by the users.

5. (Amended) A musical tone signal generation apparatus [installing] including a plurality of performance operators each of which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by users, said musical tone signal generation apparatus comprising:

4°52-9:15 ✓  
a musical tone signal generator for generating musical tone signals;  
a storage which is provided for a musical tune constructed by a plurality of parts, so that the storage stores performance data with regard to at least a prescribed part within the plurality of parts and tone color data with regard to all of the plurality of parts;

✓ a tone color assignor for assigning tone colors, designated by the tone color data of the plurality of parts, respectively to the plurality of performance operators;

✓ an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage;

✓ a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operators being manually operated by the users; and

✓ first and second manual operable members, each of which is manually operated by the user to control the musical tone signal generator in accordance with a prescribed function,

wherein the first manual operable member is provided for the main unit while the second manual operable member is provided for one of the plurality of performance operators.

9. (Amended) A musical tone signal generation apparatus according to claim 8 wherein each of the plurality of performance operators [installs] includes at least a pad whose surface is to be struck by each user to issue a tone-generation instruction.

786-18



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24. (New) A musical tone signal generation apparatus comprising:

a main unit that has a circular periphery; Fig. 1

(70-84)

at least one performance operator that is separated from the main unit;

a plurality of speakers arranged on the main unit;

((19) sound syst.

(well-known to use plural speakers as sound syst)

a sensor installed in the performance operator, wherein the sensor detects an impact applied to the performance operator so as to convert it to an electric signal; and

7.2-11

a musical tone signal generator for generating a musical tone signal based on the electric signal output from the sensor, so that the speaker generates a musical tone based on the musical tone signal.

(common sense  
i.e.  
change in size)

25. (New) The musical tone signal generation apparatus according to claim 24, wherein the main unit has a conical shape.

26. (New) The musical tone signal generation apparatus according to claim 24, wherein the plurality of speakers are arranged on the main unit in a radial pattern.

27. (New) The musical tone signal generation apparatus according to claim 24, which is designed as a portable percussion instrument.

(Make portable)

28. (New) The musical tone signal generation apparatus according to claim 24, further comprising:

✓ a storage for storing performance data, and

✓ an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage.

✓ 29. (New) The musical tone signal generation apparatus according to claim 24, wherein the performance operator provides at least one pad that is to be struck by a user and that has a sensor thereunder.

**APPENDIX C**  
**Complete set of "clean" claims**  
**pursuant to 37 C.F.R. § 1.121(c)(3)**

1. A musical tone signal generation apparatus including at least one performance operator which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by a user, said musical tone signal generation apparatus comprising:

a musical tone signal generator for generating musical tone signals; a storage for storing performance data;

an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage; and

a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operator being manually operated by the user.

2. A musical tone signal generation apparatus including at least one performance operator which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by a user, said musical tone signal generation apparatus comprising:

a musical tone signal generator for generating musical tone signals;

a storage for storing performance data;

an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage;

a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operator being manually operated by the user; the tone-generation instructions defining tone color data assigned to the at least one performance operator and

first and second manual operable members, each of which is manually operated by the user to control the musical tone signal generator in accordance with a prescribed function,

wherein the first manual operable member is provided for the main unit while the second manual operable member is provided for the performance operator.

3. A musical tone signal generation apparatus according to claim 1 wherein the storage is provided for a musical tune constructed by a plurality of parts so that the storage stores performance data with regard to at least a prescribed part within the plurality of parts and tone color data with regard to all of the plurality of parts, so that the automatic performance controller controls the musical tone signal generator to generate musical tone signals of automatic performance using a prescribed tone color assigned to the prescribed part whose performance data is stored in the storage, while the manual performance controller controls the musical tone signal generator to generate musical tone signals using a tone color which is selected from among tone colors designated by the tone color data other than the prescribed tone color and is assigned to the performance operator.

4. A musical tone signal generation apparatus including a plurality of performance operators each of which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by users, said musical tone signal generation apparatus comprising:

a musical tone signal generator for generating musical tone signals;

a storage which is provided for a musical tune constructed by a plurality of parts, so that the storage stores performance data with regard to at least a prescribed part within the plurality of parts and tone color data with regard to all of the plurality of parts;

a tone color assignor for assigning tone colors, designated by the tone color data of the plurality of parts, respectively to the plurality of performance operators;

an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage; and

a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operators being manually operated by the users.

5. A musical tone signal generation apparatus including a plurality of performance operators each of which is physically separated from a main unit to issue tone-generation instructions for generation of musical tones in response to manual operations made by users, said musical tone signal generation apparatus comprising:

a musical tone signal generator for generating musical tone signals;

a storage which is provided for a musical tune constructed by a plurality of parts, so that the storage stores performance data with regard to at least a prescribed part within the plurality of parts and tone color data with regard to all of the plurality of parts;

a tone color assignor for assigning tone colors, designated by the tone color data of the plurality of parts, respectively to the plurality of performance operators;

an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage;

a manual performance controller for controlling the musical tone signal generator to generate the musical tone signals in response to the tone-generation instructions output from the performance operators being manually operated by the users; and

first and second manual operable members, each of which is manually operated by the user to control the musical tone signal generator in accordance with a prescribed function,

wherein the first manual operable member is provided for the main unit while the second manual operable member is provided for one of the plurality of performance operators.

6. A musical tone signal generation apparatus according to claim 4 further comprising:

a loader for loading the performance data into the storage from an external; and

an assignment activator for automatically activating the tone color assignor to proceed to assignment of the tone colors to the plurality of performance operators.

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Sound Syst. (17)

7. A musical tone signal generation apparatus according to claim 1 further comprising an informer to inform the user of issuance of a tone-generation instruction being issued by the performance operator in response to a manual operation.

8. A musical tone signal generation apparatus accommodated for multiple users to play music in an ensemble, comprising:

- ✓ a main unit;
- ✓ a plurality of performance operators, each of which is physically separated from the main unit and is manually operated by each user to issue tone-generation instructions;
- ✓ a storage for storing performance data and tone color data with respect to at least a single musical tune constructed by a plurality of parts respectively corresponding to a plurality of tone colors;
- ✓ a tone color assignor for assigning the plurality of tone colors to the plurality of performance operators;
- ✓ a musical tone signal generator for generating musical tone signals based on the performance data stored in the storage so as to play automatic performance or for generating musical tone signals in response to the tone-generation instructions being issued from each of the plurality of performance operators so as to play manual performance using each of the tone colors assigned to the performance operators; and
- ✓ a plurality of speakers for producing musical tones corresponding to the musical tone signals of the automatic performance or manual performance, wherein the plurality of speakers are arranged on the main unit in connection with the plurality of performance operators respectively.

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✓ 9. A musical tone signal generation apparatus according to claim 8 wherein each of the plurality of performance operators includes at least a pad whose surface is to be struck by each user to issue a tone-generation instruction.

✓ 10. A musical tone signal generation apparatus according to claim 8 further comprising a control panel that is mounted on the main unit to provide manual controls for the automatic performance and the manual performance.

11. A musical tone signal generation apparatus according to claim 10 further comprising a sub panel that is mounted on the performance operator to provide manual controls for the automatic performance. Col 21:20-31

✓ 12. A musical tone signal generation apparatus according to claim 8 wherein each of the plurality of performance operators further installs an informer that informs the user of issuance of a tone-generation instruction.

✓ 13. A musical tone signal generation apparatus according to claim 12 wherein the informer is a speaker that produces sound in response to issuance of a tone-generation instruction.

14. A musical tone signal generation apparatus according to claim 12 wherein the informer is a light emitter that radiates light in response to issuance of a tone generation instruction. 7:2-5

✓ 15. A musical tone signal generation apparatus according to claim 2 wherein the storage is provided for a musical tune constructed by a plurality of parts so that the storage stores performance data with regard to at least a prescribed part within the plurality of parts and tone color data with regard to all of the plurality of parts, so that the automatic performance controller controls the musical tone signal generator to generate musical tone signals of automatic performance using a prescribed tone color assigned to the prescribed part whose performance data is stored in the storage, while the manual performance controller controls the musical tone signal generator to generate musical tone signals using a tone color which is selected from

- among tone colors designated by the tone color data other than the prescribed tone color and is assigned to the performance operator.

✓ 16. A musical tone signal generation apparatus according to claim 5 further comprising:

a loader for loading the performance data into the storage from an external; and  
an assignment activator for automatically activating the tone color assignor to proceed to assignment of the tone colors to the plurality of performance operators.

✓ 17. A musical tone signal generation apparatus according to claim 2 further comprising an informer to inform the user of issuance of a tone-generation instruction being issued by the performance operator in response to a manual operation.

✓ 18. A musical tone signal generation apparatus according to claim 3 further comprising an informer to inform the user of issuance of a tone-generation instruction being issued by the performance operator in response to a manual operation.

✓ 19. A musical tone signal generation apparatus according to claim 15 further comprising an informer to inform the user of issuance of a tone-generation instruction being issued by the performance operator in response to a manual operation.

✓ 20. A musical tone signal generation apparatus according to claim 4 further comprising an informer to inform the user of issuance of a tone-generation instruction being issued by the performance operator in response to a manual operation.

✓ 21. A musical tone signal generation apparatus according to claim 5 further comprising an informer to inform the user of issuance of a tone-generation instruction being issued by the performance operator in response to a manual operation.

✓ 22. A musical tone signal generation apparatus according to claim 6 further comprising an informer to inform the user of issuance of a tone-generation instruction being issued by the performance operator in response to a manual operation.

✓ 23. A musical tone signal generation apparatus according to claim 16 further comprising an informer to inform the user of issuance of a tone-generation instruction being issued by the performance operator in response to a manual operation.

24. A musical tone signal generation apparatus comprising:  
a main unit (or main body) that has a circular periphery;  
at least one performance operator that is separated from the main unit;  
a plurality of speakers arranged on the main unit;  
a sensor installed in the performance operator, wherein the sensor detects an impact applied to the performance operator so as to convert it to an electric signal; and  
a musical tone signal generator for generating a musical tone signal based on the electric signal output from the sensor, so that the speaker generates a musical tone based on the musical tone signal.

25. The musical tone signal generation apparatus according to claim 24, wherein the main unit has a conical shape.

26. The musical tone signal generation apparatus according to claim 24, wherein the plurality of speakers are arranged on the main unit in a radial pattern.

27. The musical tone signal generation apparatus according to claim 24, which is designed as a portable percussion instrument.

28. The musical tone signal generation apparatus according to claim 24, further comprising:



a storage for storing performance data, and  
an automatic performance controller for playing automatic performance by controlling the musical tone signal generator based on the performance data stored in the storage.

29. The musical tone signal generation apparatus according to claim 24, wherein the performance operator provides at least one pad that is to be struck by a user and that has a sensor thereunder.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

P/2007-73



In re Patent Application of:

Masaharu ÔNO et al.

Serial No.: 09/745,672

Filed: December 20, 2000

Date: November 21, 2001

Group Art Unit: 2837

Examiner: M. FLETCHER

For: **MUSICAL TONE SIGNAL GENERATION APPARATUS ACCOMMODATED  
FOR MULTIPLE USERS PLAYING MUSIC IN ENSEMBLE**

Asst. Commissioner for Patents

Washington, D.C. 20231

**PETITION AND FEE FOR AUTOMATIC EXTENSION OF TIME  
UNDER 37 CFR 1.17, 1.136(a) AND 35 USC 41(a)8**

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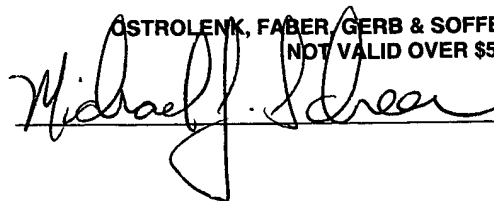
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